CITY OF TRUMANN

ZONING CODE

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Prepared with the assistance of:

EAPDD
East Arkansas
Planning & Development District

ZONING CODE
TRUMANN, ARKANSAS

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ARTICLE I. CITATION, PURPOSE, JURISDICTION

Section 1.01.0. Citation

This Code shall be known as the Zoning Code of the City of Trumann and may be cited as such or, for the sake of brevity, as the "Zoning Code."

Section 1.02.0. Purpose

These zoning regulations are enacted to implement the Comprehensive Plan for the City of Trumann and to promote the safety, order, convenience, prosperity, and general welfare of the citizens of Trumann, Arkansas. They are also intended to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of building, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 1.03.0. Authority

The provisions contained in the Zoning Code are adopted with the authority given to the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

Section 1.04.0. Jurisdiction

These regulations apply within the corporate limits of the City of Trumann.

Section 1.05.0. Priority of Contracts

It is not the intention of this regulation to defeat the purposes of any contract, deed, restriction, or protective covenant when such instrument is not consistent with this regulation or contains stricter requirements. In the event this regulation conflicts with other ordinances, rules and regulations adopted by the City of Trumann, or laws enacted and enforced by the State of Arkansas or the U. S. Government then, the stricter provisions shall apply.

Areas which are included within the boundaries of an Urban Renewal Plan or any other area plan which has been officially adopted and approved by the City Council and a contract with the federal or other government body consummated as a consequence thereof shall not be the subject of any zoning change which will defeat the purposes of such contracts.

The city shall bear no responsibility in the enforcement of private deed restrictions or protective/restrictive covenants.

Section 1.06.0. Validity and Repeal

1.06.1. Validity

The following statements pertain to the validity of this code:

A. This Zoning Code and all its parts shall be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is judged unconstitutional or invalid, the remainder of the Zoning Code shall remain intact.

B. The City Council of the City of Trumann declares that all remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

1.06.2. Repeal

All or parts of ordinances in conflict with this Zoning Code or inconsistent with provisions of this Code are repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by ordinance of the City Council of the City of Trumann, Arkansas.

ARTICLE II. APPLICATIONS AND APPEALS

Section 2.01.0. Applications

In order to obtain zoning changes and certain permits, an applicant must first submit an application to the Administrative Official.

Applicants should obtain the forms and directions for all applications at City Hall. The Administrative Official will maintain a calendar showing the required date for all applications.

Section 2.02.0. Public Hearings

2.02.1. Public Hearing Requirements
Public hearings shall be held for all rezoning requests, planning commission decision appeals conditional use permits, Board of Adjustment meetings, revisions to the Comprehensive Plan, and revisions to the Zoning Code.

2.02.2. Amendments and Permits
For Comprehensive/Future Land Use Plan amendments, rezonings, conditional use permits, and appeals of decisions of the planning commission, an advertised notice of public hearing is to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting.

2.02.3. Board of Adjustment
Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised seven (7) days prior to the hearing.

2.02.4. Meetings
The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

Section 2.03.0. Appeals

2.03.1. Appeals from the decisions of the Planning Commission
Any person wishing to appeal a decision of the Planning Commission in interpreting any section of these zoning regulations or any decision approving or denying an application may make an appeal to City Council.

A. Notice of Appeal**:** Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed with the Administrative Official by the applicant or any other interested party within thirty (30) days of the decision together with an appeal fee.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.

2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.

3. Reasons why the applicant of the appeal believes that the public health, safety, and welfare would be better served if the Planning Commission's decision were reversed.

4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

B. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing.

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least fifteen (15) days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. The sign should be placed on the site no fewer than fifteen (15) days prior to the date of the hearing.

C. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official on behalf of the Planning Commission setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council may remand the case back to the Planning Commission for reconsideration. For rezoning requests and conditional use requests, such reconsideration shall require a new public hearing.

The City Council may affirm, reverse, or modify the decision of the Planning Commission. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

D. Conditions: The City Council may only impose such conditions to its approval as may be necessary to conform to the City's Zoning Code and building regulations.

2.03.2. Appeals from the decisions of the Board of Adjustment

Appeals from the decision of the Board of Adjustment shall be made within thirty (30) days of the decision directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

2.03.3. Appeals from the decisions of the Administrative Official

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment. See Section 16.06.0.

Section 2.04.0. Expirations, Extensions, and Reinstatements

Planning Commission and City Council approvals covered by the Zoning Code shall be subject to the following expiration requirements.

A. Rezoning: No expiration.

B. Conditional Use: No expiration unless placed as a condition of approval by the applicant or planning commission. If the use discontinues for a period of greater than one hundred eighty (180) days the permit shall be considered invalid and revoked. Conditional uses which are tied to the construction of a building or site improvements shall expire within nine (9) months if construction is not commenced, and two (2) years if construction has not been completed.

C. Building Permits: Building permits shall expire within nine (9) months if construction has not commenced, and within one (1) year if construction has not been completed.

D. Variance: Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within nine (9) months if not begun. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within nine (9) months or completed within two (2) years, the approvals shall expire.

E. Sign Permit: Approval shall expire within nine (9) months, if construction has not commenced and one (1) year if construction is not completed.

The Administrative Official shall have the authority to extend the approval of any item one (1) time by one (1) year, provided the request for an extension of approval is made in writing no more than thirty (30) days after the date of the approval's expiration. To extend the approval of an item, the applicant must demonstrate that he or she has made reasonable attempts to abide by the deadlines associated with the approval. Any subsequent extensions shall require approval by the Planning Commission. The Administrative Official shall also have the authority to defer decision regarding the extension of an approval to the Planning Commission.

Section 2.05.0. Fees

The City of Trumann shall impose fees for items covered by the Zoning Code according to a schedule adopted by the City Council.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Section 3.01.0. Administrative Official

The provisions of this Code shall be administered by the Administrative Official, which shall be a person or persons designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as directed by the Mayor. Decisions by the Administrative Official may be appealed to the Board of Adjustment. The Administrative Official shall keep records of all permits issued or denied, all certificates of occupancy issued or denied, and all violation complaints received along with action taken on violation complaints.

The Administrative Official shall enforce the provisions of this Code, and in addition shall have authority to:

A. Examine and approve any application pertaining to the use of land, buildings, signs, or structures to determine if the application conforms to the provisions of this Code.

B. Issue or deny building permits and certificates of occupancy based upon compliance with this Code and other applicable codes. Written notice stating the reasons for denial will be provided with any building permit or certificate of occupancy that is denied.

C. Issue all zoning approvals.

D. Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.

E. Revoke approvals where provisions of this Code are being violated.

Section 3.02.0. Building Code

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code or other applicable state and city building codes.

Section 3.03.0. Building Permit

The City will issue a building permit for either the new construction or renovation of a building or structure within the corporate limits of the City of Trumann only when the application has been approved by the Administrative Official as meeting the requirements of these regulations. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating the setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Administrative Official.

Section 3.04.0. Certificate of Occupancy

No building erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Administrative Official, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. The Administrative Official shall maintain a record of all Certificates of Occupancy.

A Certificate of Occupancy may be revoked by the Administrative Official when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offense and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect permanent utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

Section 3.05.0. Violations

3.05.01. Enforcement Responsibilities

A. If the Administrative Official shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. Should the person responsible for such violations fail to take the necessary action to correct it, the Administrative Official shall notify the City Attorney, and the City Attorney shall within seven (7) days apply for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the complaint, and shall be filed with the Administrative Official. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

3.05.02. Penalty for Violation or False Information

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any of the requirements, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars ($100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part of a building/premises, where anything in violation of these regulations shall be placed, or shall exist; and any architect, builder, contractor, agent, engineer, person, or other corporation employed in connection with and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined.

Any person who fails to give full and correct information when applying for a permit shall be subject to a fine of not less than $25.00 nor more than $100.00, and the Court, in its discretion, may require that the violation be corrected to comply with the Zoning Code. Any building permit issued upon an incomplete application, regardless of the intent of the applicant, shall be wholly void as though said permit had never been issued, and any construction based upon or resulting from such permit shall be deemed to be construction without a permit.

ARTICLE IV. ZONING DISTRICTS AND BOUNDARIES

Section 4.01.0. Zoning Districts Established

For the purpose of these regulations, the City is divided into the following zoning districts:

R-1	Low Density Residential
R-1S	Low Density Residential – Small Lot
R-2	Medium Density Residential
R-3	Apartment Residential
R-MH	Manufactured Home Residential
R-H	Historic Residential
A-1	Agricultural
C-1	Downtown Commercial
C-2	General Commercial
C-3	Outdoor Display Commercial
I-1	General Industrial
PUD	Planned Unit Development

Section 4.02.0. Zoning Districts Map

The location and boundaries of the Zoning Districts are shown on a map designated as the "Official Zoning Map" of the City of Trumann, dated and signed by the Mayor. The map and all its contents are a part of the Zoning Code and may be called the Zoning District Map or the Official Zoning Map in this code. The Official Zoning Map is kept and maintained by the City Clerk at City Hall. It is available for review and access by the public during the normal business hours of City Hall.

Section 4.03.0. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries that appear to follow the centerline of a street, highway, or alley shall be interpreted to follow those centerlines.

B. Boundaries that appear to follow a property line shall be interpreted to follow the property line.

C. Boundaries that approximately follow the city limits shall be interpreted to follow the city limits.

D. Boundaries that appear to follow a section line or fractional section line shall be interpreted to follow such lines.

E. Boundaries that appear parallel to a feature in this list shall be interpreted as such.

F. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 4.04.0. Relationship to Comprehensive/Land Use Plan

Zoning designations changed after the adoption date of this code shall conform to the city's adopted land use plan/comprehensive plan. If a proposed rezoning conflicts with the plan, the applicant must first request an amendment to the plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

Section 4.05.0. Determination of Uses Not Listed

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use is substantially similar in its character and external impacts to the already listed permitted and conditional uses. If the use can be determined to be substantially similar in its character and external impacts, it may be treated as a permitted or conditional use, as determined by the Planning Commission, until such time this code is amended appropriately. If the use cannot be determined to be substantially similar in its character and external impacts, it shall be considered prohibited. A determination to treat a use as a permitted or conditional use shall include written findings to support the Planning Commission's decision.

Section 4.06.0. Completion of Existing Buildings

Nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction prior to the adoption date of this code.

Nothing in these regulations shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption date of this code, provided construction is started before the expiration of the building permit.

For lands annexed into the City of Trumann after the adoption date of this code, nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction. This shall also apply to any building, not yet under construction, for which a valid approval exists that was issued by Poinsett County.

Section 4.07.0. Preservation of Minimum Lot Areas

Unless by a variance, no lot or yard area, or other open space, or off-street parking or loading space required may be reduced in dimension or area below the minimum requirements of the Zoning Code. No lot or division of property shall be approved that will result in a lot size or yard area reduced below the minimum requirements of this Code.

Section 4.08.0. Principal Structure on Lots

In residential districts only one principal structure and its customary accessory structures may be erected on any lot unless otherwise provided in this Code. This shall not apply where multi-family residential is allowed by-right.

Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for the independent occupancy of a structure may be considered evidence that the structure is not an accessory structure but a separate dwelling, as determined by the Administrative Official.

Section 4.09.0 Existing Lots and Lot Area

Any single lot or platted parcel of land, which was officially recorded prior to the adoption date of this code, that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located may be utilized for a single-family residence without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

Any single lot or platted parcel of land which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements for the District in which it is located, may be utilized for a permitted use without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

Section 4.10.0. Annexed Lands

4.10.01. Boundaries
Any land annexed into the City of Trumann shall be required to include all of the adjacent and abutting street right-of-way or easement.

4.10.02. Classification of Annexed Lands
The zoning district classification(s) of any new additions and annexations of land to the City of Trumann after adoption of these regulations shall be established in one of the following ways:

A. Election Method: Prior to the annexation election, the Planning Commission may prepare a Zoning Plan for the area to be annexed based upon the Comprehensive Plan/Land Use Plan. The City Council may elect to adopt this Zoning Plan upon annexation of the lands. If no action is taken, all lands shall be annexed as R-1.

B. Island/Enclave Method: The City Council may elect to designate zoning districts for any land annexed within the ordinance annexing the lands. If no action is taken, all lands shall be annexed as R-1.

C. Petition Method: The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to study and make recommendation regarding the proper zoning classification of the lands under consideration for annexation. The procedures governing amendments to the

Official Zoning Map in Section 14.04.0 shall be followed. If no request for a specific zoning classification is requested, the provisions of Section 4.10.02, item b, in the following shall apply.

Section 4.11.0. Building in Flood Hazards Areas

4.11.01. Floodways

No new buildings of any type shall be permitted in the regulatory floodway (as determined by the U.S. Army Corps of Engineers) of any stream or water body which may cause damaging increases in flood heights or other nuisances.

4.11.02. Floodplains

Construction is allowed in the floodplain as along as construction meets the requirements of the city's Flood Damage Prevention Code.

ARTICLE V. RESIDENTIAL DISTRICTS

Section 5.01.0. Purpose of Each District

5.01.01. Low Density Residential (R-1)

The R-1 District is intended to provide for quiet, low density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

5.01.05. Low Density Residential – Small Lot (R-1S)

The R-1S District is intended to provide for quiet, low density residential areas characterized by single-family homes on smaller lots and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood. This district provides for smaller lot sizes than the R-1 district.

5.01.03. Medium Density Residential (R-2)

The R-2 District is of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a diversity of housing types. The principal uses of land are for single-family and two-family homes, all supported by necessary facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

5.01.04 Apartment Residential (R-3)

The R-3 District provides for quiet, medium to high density residential areas characterized by a diversity of housing types. This district includes development ranging in density from single-family homes to large scale apartment complexes. It is intended to allow and encourage affordable housing and housing choice through a diversity of housing options.

5.01.05. Manufactured Home Residential (R-MH)

This district encourages affordable housing of varied types in specified locations within the city. The district is characterized by site-built housing and manufactured homes placed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. This district is also intended to provide for manufactured home subdivisions as well as manufactured home parks.

5.01.06. Historic Residential (R-H)

The R-H District represents Trumann's residential historic area in and near Main Street. Homes in these typically carry some level of historic significance or represent historic architectural styles. Homes in these areas are intended to be preserved with compatible rehabilitation and infill. No area should be zoned R-H unless contiguous to an existing R-H zone by a shared property line or right-of-way.

Section 5.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XV.

"X" means that the use is prohibited.

RESIDENTIAL DISTRICTS

Permitted Uses	*R-1*	*R-1S*	*R-2*	*R-3*	*R-MH*	*R-H*	*Special Conditions*
A. Residential							
Accessory Buildings and Uses	P	P	P	P	P	P	10.01.0
Accessory Dwelling Unit	P	P	P	P	P	P	10.03.0
Single-Family Dwelling	P	P	P	P	P	P	10.17.0
Two-Family Dwelling	X	X	P	P	X	X	10.17.0 10.18.0
Three/Four-Family Dwelling	X	X	X	P	X	X	10.17.0 10.18.0
Apartment Dwelling	X	X	X	P	X	X	10.17.0 10.18.0
Mobile Home	X	X	X	X	X	X	
Manufactured Home	X	X	X	X	P	X	10.10.0 10.17.0
Manufactured Home Park	X	X	X	X	CU	X	10.09.0 10.17.0
Townhouse	X	X	P	P	X	X	10.17.0
B. Commercial							
Bed & Breakfast	CU	CU	CU	CU	CU	CU	10.17.0
Home Day Care - Small Scale	CU	CU	CU	CU	CU	CU	10.05.0 10.17.0
Home Day Care – Medium Scale	X	CU	CU	CU	CU	X	10.05.0 10.17.0
Child Care Center/Adult Daycare	X	CU	CU	CU	CU	X	10.04.0 10.17.0
Home Occupation	P	P	P	P	P	P	10.08.0

Permitted Uses	*R-1*	*R-1S*	*R-2*	*R-3*	*R-MH*	*R-H*	*Special Conditions*
C. Community Facilities and Public Utilities							
Church or other place of worship	P	P	P	P	P	P	10.17.0
Club or lodge, private	CU	CU	CU	CU	CU	CU	10.17.0
Community building, public	CU	P	P	P	P	P	10.17.0
Public Utilities	P	P	P	P	P	P	
Establishment for care of alcoholic, drug, or psychiatric patients	X	X	X	X	X	X	10.17.0
Half-way House	X	X	X	X	X	X	10.17.0
Homeless Shelter	X	X	X	X	X	X	10.17.0
Hospital, health center, institution for aged or children, and extensions or additions to existing	X	X	CU	CU	CU	X	10.17.0
Library	P	P	P	P	P	P	10.17.0
Nursing or rest home and extensions or additions to existing ones	X	X	CU	CU	X	X	10.17.0
Park or playground, community garden	P	P	P	P	P	P	10.17.0
School, public, parochial, or private non-profit	CU	P	P	P	P	CU	10.17.0
D. Agricultural							
Animal husbandry, dairying, and pasturage	CU	CU	CU	CU	CU	X	
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises – Gardens under 2 acres are permitted in all districts.	CU	CU	CU	CU	CU	X	
E. Other							
Other similar uses, not specifically listed above	CU	CU	CU	CU	CU	CU	4.05.0
Wireless Communication Tower/Facilities	CU	CU	CU	CU	CU	CU	

Section 5.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

RESIDENTIAL LOT, YARD & HEIGHT REQUIREMENTS

Zoning District	*Minimum Lot Area*	*Minimum Lot Width*	*Setback Requirements*				*Max. Height*
			Front	*Side*	*Side-Street*	*Rear*	*Feet*
R-1	Single-Family: 9,000 sq. ft.	Single-Family: 90 ft.	30 ft.*	12 ft.	20 ft.*	25 ft.	48 ft.
R-1S	Single-Family: 7,200 sq. ft.	Single-Family: 60 ft.	25 ft.*	7 ft.	15 ft.*	20 ft.	48 ft.
R-2	Single-Family: 7,200 sq. ft.; Two-Family: 9,000 sq. ft.;	Single-Family: 60 ft.; Two-Family: 90 ft.;	25 ft.*	10 ft.	15 ft.*	20 ft.	48 ft.
R-3	Single-Family: 6,000 sq. ft.; Multi-Family: 8,400 sq. ft. + 3,000 sq. ft. for each unit over 2	Single-Family: 60 ft.; Two-Family: 90 ft.; Multi-Family: 120 ft.	25 ft.*	7 ft.	15 ft.*	20 ft.	48 ft.
R-MH	Single-Family: 7,200 sq. ft. Manufactured Home Park: 5 acres	Single-Family: 60 ft. Manu. Home: 50 ft.	20 ft.*	5 ft.	15 ft.*	20 ft.	48 ft.
R-H	Single-Family: 6,000 sq. ft.	Single-Family 50 ft.	See Note *	7 ft.	15 ft.*	20 ft.	36 ft.
All R Districts	Places of Public Assembly, Places of Worship, Educational Facilities: 20,000 sq. ft.	100 ft.	30 ft.	25 ft.	25 ft.	25 ft.	48 ft.

Notes: Existing platted lots of records that do not meet the above requirements may be used subject to Section 4.09.0.

*When a majority of the lots on one side or street face of a block have existing principal structures on them and those structures do not meet the minimum required front setback or side-street setback, the required setback may be reduced. In such cases, the setback of all the structures on the street face of the block (no

more than 6 lots) may be a measured to determine the average setback. This calculated front setback may be used as the front or side-street setback line for any new construction or expansion of existing structures. Front setbacks in R-H shall also be determined by this method.

Section 5.04.0. Parking

The parking regulations for this district are handled in Article XII.

ARTICLE VI. COMMERCIAL DISTRICTS

Section 6.01.0. Purpose of Each District

6.01.01. Downtown Commercial District (C-1)

The C-1 District is the designation for the historic center of the community. A variety of retail, wholesale, professional, and governmental functions have developed in the district over the lifetime of the city's history. The intent of the district is to encourage a diverse uses and building forms that sustain the historic character of downtown Trumann. This district is not intended to be used in or expanded to areas beyond Trumann's traditional downtown.

6.01.02. General Commercial District (C-2)

This district is intended to serve the retail, office, and business needs of the community by providing for the compatible and convenient location of commercial establishments. The uses of this district are intended to serve both the needs of local residents and that of through highway traffic. Uses typically do not include permanent outdoor display of goods.

6.01.02. Outdoor Display Commercial District (C-3)

This is a district usually located along major highways or arterial streets, used primarily for the retailing of durable goods, implements, heavy appliances and vehicles; providing services and lodgings for transient visitors or diners; and for uses which because of their nature require open storage or display of goods or material; and which require large-scale advertising. As this district is generally located in close proximity to residential areas, the regulations are designed to permit development of enumerated uses but limited by standards and requirements that are intended to protect and preserve the abutting or surrounding residential districts, and to minimize potential traffic hazards.

Section 6.02.0. Permitted Uses

The permitted uses in each of the commercial districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a commercial zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XV.

"X" means that the use is prohibited.

COMMERCIAL USES

PERMITTED USES	*C-1*	*C-2*	*C-3*	*Special Conditions*
Accessory Buildings and Uses	P	P	P	10.01.0
Adult Day Care	P	P	P	10.17.0
Appliance sales and service	P	P	P	10.17.0

PERMITTED USES	*C-1*	*C-2*	*C-3*	*Special Conditions*
Automotive accessory and supply store	P	P	P	10.17.0
Automotive, boat, and truck sales, rental, and service	X	X	P	10.17.0
Automotive repair and service station	X	CU	P	10.17.0
Automotive car wash	X	P	P	10.17.0
Automotive service station, not including body or motor repair or painting	CU	P	P	10.07.0 10.17.0
Bank and other financial institutions	P	P	P	10.17.0
Bed and Breakfast	P	P	P	10.17.0
Building supplies, including sale of lumber	X	CU	P	10.17.0
Carnival, circus or similar temporary amusement enterprise	P	P	P	10.17.0
Carting, crating, express hauling, moving or storage	X	X	P	10.17.0
Child Care Center	CU	P	P	10.04.0 10.17.0
Clinic, Medical or Dental	P	P	P	10.17.0
Club or lodge	P	P	P	10.17.0
Cold storage plant	CU	X	CU	10.17.0
Commercial/Office – Shopping Center or Large Retailer (10,000 sf or larger)	X	P	P	10.17.0
Commercial/Office – Small Scale Office and Retail (10,000 sf or smaller)	P	P	P	10.17.0
Dry cleaners	P	P	P	10.17.0
Dwelling – Multi-family, Single-family	CU	P	P	10.17.0 10.18.0
Establishment for care of alcoholic, drug or psychiatric patients/Half-way House	X	CU	CU	10.17.0
Farm equipment sales and service	X	CU	P	10.17.0
Feed and fertilizer sales	X	CU	P	10.07.0 10.17.0
Funeral home, mortuary or undertaking establishment	P	P	P	10.17.0
Furniture and home furnishings repair and sales	P	P	P	10.17.0
Homeless Shelter	X	CU	X	10.17.0
Hotel/Motel	P	P	P	10.17.0
Hospital	P	P	P	10.17.0
Free-Standing Vending Machine	X	CU	CU	10.17.0
Junk Yards and/or Hazardous Materials use or storage	X	X	X	
Kennel	X	P	P	
Live/Work Unit	CU	CU	CU	10.13.0 10.17.0
Loft Dwelling	P	CU	CU	
Mini-storage	X	CU	P	10.17.0
Manufactured home sales and service	X	CU	P	10.17.0
Museum	P	P	P	10.17.0

PERMITTED USES	*C-1*	*C-2*	*C-3*	*Special Conditions*
Nursing Home	P	P	P	10.17.0
Open Display Commercial/Outdoor Display Commercial	X	CU	P	10.17.0
Parks	P	P	P	10.17.0
Place of Public Assembly	P	P	P	10.17.0
Place of Worship or Church	P	P	P	10.17.0
Public Utilities	P	P	P	
Recreation or amusement center	CU	P	P	10.17.0
Recreational Vehicle or Travel Trailer Park	X	CU	CU	10.11.0
Restaurant, Sit-down	P	P	P	10.17.0
Restaurant, Drive-thru	X	P	P	10.17.0
School	P	P	P	10.17.0
Storage Container Sales and Rental	X	CU	P	10.15.0 10.17.0
Veterinarian, animal clinic	CU	P	P	10.17.0
Warehousing, inside storage only – non-combustible	P	P	P	10.17.0
Warehousing, packaged products – non-combustible	P	P	P	10.17.0
Wholesale establishment	P	CU	P	10.17.0
Wireless Communication Tower/Facilities	CU	P	P	
Temporary structures for construction and/or sales operations	P	P	P	2 Yr. Max.
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	CU	4.05.0

Section 6.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

LOT, YARD & HEIGHT REQUIREMENTS

Zoning District	*Minimum Lot Area*	*Minimum Lot Width*	*Building Site Coverage*	*Setback Requirements*				*Max. Height*
				Front	*Side*	*Side-Street*	*Rear*	
C-1	N/A	25 ft.	100%	See Note#	N/A	N/A	10 ft.	48 ft.
C-2	10,000 sq. ft.	100 ft.	40%	15 ft.	15 ft.	15 ft.	15 ft.	48 ft.
C-3	10,000 sq. ft.	100 ft.	40%	15 ft.	15 ft.	15 ft.	15 ft.	48 ft.
Commercial District Properties Adjacent to R Districts Visual screening such as fencing or evergreen vegetation of at least 6 ft. in height is required for those portions of the commercial property adjacent to the residential district. In addition, all exterior lighting shall be designed and directed such that it will not project into adjacent residential districts.				Same as District	30 ft.	30 ft.	30 ft.	48 ft.
Auto Service Station, Car/Boat Sales, Farm Equip. Sales	10,000 sq. ft.	100 ft. at street	50%	25 ft.	10 ft.*	25 ft.	15 ft.*	48 ft.

#Note: Buildings in C-1 are required to be built up to between the edge of the front property line and a maximum of 5' from the front property line.

Residential dwellings shall use the area and setback requirements for the R-3 zone.

Section 6.04.0. Parking

The parking regulations for these districts are handled in Article XII. Parking regulations shall not apply for the C-1 district.

ARTICLE VII. INDUSTRIAL DISTRICTS

Section 7.01.0. Purpose of Each District

7.01.01. General Industrial (I-1)

To provide for and encourage the concentration of a wide range of industrial activities in areas suited to the transportation and physical environmental needs of industrial operations, all of which shall be able to meet performance specifications.

Section 7.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use as set forth in Article XV.

"X" means that the use is prohibited.

INDUSTRIAL USES

PERMITTED USES	*I-1*	*Special Conditions*
Accessory Buildings and Uses	P	10.01.0
Agricultural Products Processing	P	10.17.0
Bulk Storage of Commodities	P	10.17.0
Bulk Storage of Highly Flammable Materials	CU	10.07.0 10.17.0
Contractor or Utility Equipment Parking/Storage Yard	P	10.17.0
Dwellings – All Residential	X	
Foundry and Metal Works	CU	10.17.0
Fertilizer Plant	CU	10.07.0 10.17.0
Grain Elevator or Feed Mill	CU	10.07.0 10.17.0
Hazardous Waste Treatment Site	CU	10.17.0
Homeless Shelter	X	
Industrial Solid Waste Facilities	P	

PERMITTED USES	*I-1*	*Special Conditions*
Junk or Salvage Yard	CU	10.02.0 10.17.0
Lumber Yard or Sawmill	P	10.17.0
Machine or Welding Shop	P	10.17.0
Manufacturing	P	10.17.0
Places of Worship and Churches	P	10.17.0
Printing and Publishing	P	10.17.0
Processing and Assemblage	P	10.17.0
Public Utilities	P	
Rail Terminal	P	
Recycling and Reclamation/Waste Transfer Station	CU	10.17.0
Sand, Gravel or Earth Sales and Storage	P	
Sanitary Landfill	CU	10.17.0
Stone, Sand, or Gravel Extraction/Mining	P	
Storage Container Sales and Rental	P	10.15.0 10.17.0
Taxidermy	CU	10.17.0
Tool and Equipment Rental (Inside or Outside)	P	
Transportation Terminals	P	10.17.0
Water/Sewage Treatment Plant	P	
Warehousing and Wholesaling	P	10.17.0
Wireless Communication Tower/Facilities	P	
Temporary Structures for Construction	CU	
Other commercial, retail, and office uses	X	
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU	4.05.0

Section 7.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	*Minimum Lot Area*	*Minimum Lot Width*	*Building Site Coverage*	*Setback Requirements*				*Maximum Height*
				Front	*Side*	*Side-Street*	*Rear*	
I-1	20,000 sq. ft.	60 ft.	75%	50 ft.	50 ft.*	50 ft.*	50 ft*	125 ft.
*I-1 Properties Adjacent to R Districts Visual screening of at least 8 ft. in height is required for those portions of the industrial property adjacent to the residential district. All yard areas not used for buildings shall be landscaped and sodded with grass and other plants.				75 ft.	75 ft.	75 ft.	75 ft.	48 ft.

Section 7.04.0. Performance Standards

Any industrial use established in the City of Trumann after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

7.04.01 Physical Appearance

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles, equipment shall be suitably screened by a fence at least six feet (6') in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

7.04.02 Flammable or Explosive Materials

Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant federal regulations.

All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

7.04.03 Sewage and Liquid Waste

No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or

corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Environmental Quality.

All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

7.04.04 Odor

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

7.04.05 Vibration

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

7.04.06 Glare and Heat

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

7.04.07 Noise

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. Noises which exceed ninety (90) decibels as measured at the property line shall be considered a nuisance.

Section 7.05.0. Parking

The parking regulations for this district are handled in Article XII.

ARTICLE VIII. AGRICULTURAL DISTRICTS

Section 8.01.0. Purpose of Each District

8.01.1. Agricultural (A-1)

The Agricultural District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The Agricultural District is intended for agricultural uses with accompanying single-family residences as well as incidental accessory uses.

Section 8.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use as set forth in Article XV.

"X" means that the use is prohibited.

AGRICULTURAL DISTRICTS

PERMITTED USES	*A-1*	*Special Conditions*
Accessory Buildings and Uses	P	10.01.0
Accessory Dwelling Unit	P	10.03.0
Agriculture	P	
Aircraft Landing Strips	CU	
Animal Husbandry and Veterinary Hospitals	P	
Aquaculture	CU	
Automobile Wrecking or Salvage Yard	X	10.02.0
Bed and Breakfast	CU	
Cemetery	P	
Child Care Centers	X	
Contractor or Utility Equipment Parking/Storage Yard	X	
Dwelling – Manufactured Home	X	

PERMITTED USES	*A-1*	*Special Conditions*
Dwelling – Single-Family Home	P	
Dwelling – Two, Three, Four, and Apartment Residential	X	
Home Daycare – Small Scale	CU	
Home Daycare – Medium Scale	CU	
Home Occupation	P	10.08.0
Junk Yards and/or Hazardous Materials Use or Storage	X	
Parks	P	
Place of Worship or Church	P	
Public Buildings and Structures (including hospitals)	P	
Public Utilities	P	
Vegetable Stands	P	
Wireless Communication Tower/Facilities	P	

Section 8.03.0. Lot, Yard, and Height Requirements

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, silos, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	*Minimum Lot Area*	*Minimum Lot Width*	*Setback Requirements*				*Maximum Height*
			Front	*Side*	*Side-Street*	*Rear*	
A-1	1 acre	100 ft.	50 ft.	50 ft.	50 ft.	50 ft.	30 ft.

Section 8.04.0. Parking

The parking regulations for this district are handled in Article XII.

ARTICLE IX. PLANNED UNIT DEVELOPMENTS

Section 9.01.0. Purpose and General Provisions

The purposes of the Planned Unit Development district is to promote flexibility and innovation in design, in both small and large-scale developments, while encouraging the simultaneous development of multiple amenities beneficial to both the users of the development and the city as a whole. Planned Unit Developments are also intended for use in creative and innovative development of vacant in-fill parcels in the built-up areas of the city, and the incorporation of open space in developments.

In concept, the Planned Unit Development (PUD) is a combination of zoning designation and development plan. The approval process is designed to encourage innovation by the developer by allowing submittal of engineered plans, known as a Final PUD Plan, after approval of a Preliminary PUD Plan to rezone the property. Development must follow the approved Final PUD Plan exactly. Failure in this respect can result in revocation of the PUD. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

Section 9.02.0. Minimum Size and Use Criteria

PUD applications may be residential, commercial, industrial, mixed-use in nature. Mixed-use PUDs may incorporate multiple uses in a development, property, or single-structure.

The minimum size for an area to be developed as a PUD shall be five (5) acres.

Section 9.03.0. Development Standards

A. Use Permitted: Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed, or/and shall be consistent with the general character of the land use classification of the subject property in the city's Land Use Plan, or/and be substantially similar to and compatible with adjacent property.

B. Development Density: All plans shall clearly depict the proposed density by land use category. Residential density shall be depicted in the manner described in paragraph D, item 1 below titled "Residential Density". Non-residential density shall be expressed as Floor Area Ratio.

C. Setbacks: Building setbacks will be designed in such a manner that they create a harmonious grouping of buildings, allow maintenance of streets and utilities, do not violate any safety codes including the Arkansas Fire Prevention Code, and do not restrict the provision of emergency or public services.

D. Lot Size and Area Requirements: No minimum lot sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography. The following restrictions apply:

1. Residential Density

   Residential density for any development shall not exceed the following standards as measured by dwelling units per developable acre (dua). Calculation shall not include areas devoted to surface streets and surface drainage improvements. This shall be computed by the equation below:

Housing Units / (Developable Land + Common Usable Open Space) = Residential Density

Single-Family:	7 dua
Single-Family Zero Lot Line:	8 dua
Duplex:	9 dua
Townhouses/Condominium:	11 dua
Multi-Family (1-2 stories):	18 dua
Multi-Family (3 stories or more):	24 dua
Mixed-Use with Multi-Family:	36 dua

E. Common Usable Open Space: PUDs with exclusively residential land use shall designate at least fifteen (15) percent of the total development area to common usable open space.

F. Common Usable Open Space – Future Phase Construction: If common usable open space and common space improvements required for a development are planned for construction in future phases, a performance bond shall be required. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the Administrative Official shall be posted with the City for completion of said common usable open space improvements. The amount of the bond shall reflect 150 percent of the Administrative Official's estimate for completing the required improvements.

G. Landscaping: All developments shall provide landscaping. Landscaping shall be designed to complement the site's topography and create a discernible amenity for the development.

H. Bills of Assurance, Covenants, Trusts, and Property Owners Associations: The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and common owned facilities shall be reviewed by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the common owned facilities.

If the common owned facilities are deeded to a homeowner association or improvement district, the developer shall file with the approved Final Plat/Final PUD Plan a declaration of covenants and restrictions in the bill of assurance. The City of Trumann shall have the authority to require the creation of an improvement district instead of a homeowner/property owner's association, if deemed necessary by the Administrative Official. The following is required:

1. The homeowner association or improvement district must be legally established before building permits are granted.

2. Membership/participation and fees must be mandatory for each property buyer and successive buyer in perpetuity unless allowed to be discharged by the City of Trumann.

3. The open space restrictions must be made permanent through a deed restriction.

4. The association or improvement district must be responsible for the maintenance of all common owned facilities covered by the agreement and for all liability, taxes, and other assessments.

5. Homeowners/property owners must pay their pro-rata share of the initial cost and on-going maintenance, and the maintenance assessment levied by the association/district must be stipulated as a potential lien on the property or appropriate process if an improvement district.

6. The association/improvement district must able to adjust the assessment to meet changed needs.

I. Responsibility for Open Space: Nothing in this Code shall be construed as assigning or assuming any responsibility or liability on the part of the City of Trumann, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants conveying with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties. Acceptance of any lands shall require action by the City Council.

J. Private Street Conversion: Private streets that are requested to be converted to public ownership shall be required to be improved to city standards prior to dedication to the City. The owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owner shall not be compensated for any street dedicated to public use. Any street conversion shall be subject to a one-year maintenance bond.

Section 9.04.0. Review and Approval Types

The PUD approval process shall consist of two (2) forms of review procedure:

A. Preliminary PUD Review and Approval

B. Final PUD Plan and Approval

1. Short Form: Developments contained on one-lot that are not intended for re-subdivision into additional lots.

2. Long Form: Developments intended to plat property into two or more lots.

Section 9.05.0. Preliminary PUD Plan Review and Approval Procedure

A. Pre-application Conference: Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Administrative Official. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. An additional purpose is to ensure proper

information is provided with a formal PUD application. The Administrative Official will discuss the applicant's potential application and inform the applicant of any perceived potential problems that might arise in the development process.

B. The Preliminary PUD Plan shall consist of a site plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Preliminary PUD Plan shall have the effect of rezoning the property.

1. Before an application can be considered, a complete application with the PUD application fee must be filed and paid with the Administrative Official.

2. The Administrative Official shall review the application and provide comments to the applicant for revision of the plans. A public hearing for the Preliminary PUD Plan shall be set no later than sixty (60) days after filing the application. The procedures for rezonings or zoning amendments shall govern the process for arranging the public hearing.

3. A public hearing shall be conducted. If the applicant requests deferral of a decision on the application to allow modification, the application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing was conducted, the Planning Commission may allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised. If the request for deferral is made after the Planning Commission meeting, a new public hearing and new notifications/advertising shall be required.

4. Unless a deferral is requested by the applicant, the Planning Commission shall render a decision to approve, conditionally approve, or deny the application within sixty (60) days of the public hearing.

5. To approve a Preliminary PUD Plan, the Planning Commission shall find the following:

    a. The PUD provides public benefits that would not be achievable through the normal zoning regulations.

    b. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.

    c. The development will not impose substantial negative external impacts on or prevent the orderly development of adjacent property.

    d. The development's land use is permitted in the underlying zoning district, is compatible with the city's Land Use Plan, or is substantially similar to adjacent property.

    e. The development does not endanger the public health, welfare or safety.

f. The development's design and intent is consistent with the purpose of the PUD regulations.

6. For any application that is conditionally approved by the Planning Commission, the applicant shall have ninety (90) days to submit modified plans. These plans shall be reviewed by the Administrative Official to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings to the planning commission and city council. If the Administrative Official finds the modified plans do not conform to the Planning Commission's conditional approval, the application shall be referred back to the Planning Commission for review and shall not proceed for consideration to the City Council until approved by the Planning Commission. The city council will not consider any conditionally approved application for which modified plans have not been provided or any conditionally approved application where the modified plans have not been reviewed by the Administrative Official.

7. Approved and properly modified conditionally approved applications shall be forwarded to the city council for approval. The city council shall render a decision to approve or deny the application by an ordinance to rezone the property. The city council may also refer the application back to the Planning Commission for reconsideration and modification without an additional public hearing.

Section 9.06.0. Final PUD Plan Review and Approval Procedure

A. The Final PUD Plan shall be either a Short Form or Long Form.

1. Short Form PUD: Developments contained on one lot that are not intended for re-subdivision into additional lots. The Final PUD Plan shall consist of the Preliminary PUD Plan and submittal of engineered site plan and construction plans and meeting the submission requirements of Section 9.07.0 below.

2. Long Form PUD: Developments intended to plat property into two or more lots. The first step in the process of preparing the Long Form Final PUD Plan is preparation and submission of a Preliminary Plat, which conforms to the procedures and requirements of the Trumann Subdivision and Development Code. An application for a Final PUD Plan shall not be accepted by the Administrative Official until and unless a Preliminary Plat for the property has been approved by the Planning Commission. The submission shall meet the requirements of Section 6 below.

The Final PUD Plan shall consist of the Preliminary PUD Plan and submittal of a Final Plat application. The Final Plat application shall be subject to the regulations and requirements of the Trumann Subdivision and Development Code; however, approval shall be subject to acceptance of the public dedication of streets, utilities, and other public facilities.

Approval of the Long Form Final PUD Plan shall have the effect of permitting the applicant to sell lots in the development, obtain building permits, or file an application for site plan or large scale development review.

B. The Administrative Official shall review the application and provide comments to the applicant for revision of the drawings and/or plat requirements.

C. The Administrative Official shall approve or deny the Final PUD Plan and provide report of his/her approval to the Planning Commission within twenty (20) business days following approval. The Administrative Official shall not approve a Final PUD Plan that contains a Preliminary PUD Plan that does not match the Preliminary PUD Plan previously approved by the City Council, excluding minor modifications consistent with the requirements of Section 7, or that contains construction plans that do not address comments for revision made by the Administrative Official.

The applicant shall provide a written explanation for any modifications to the Preliminary PUD Plan.

D. The Administrative Official shall have the authority to defer approval of a Final PUD Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final PUD Plan be reviewed for approval by the Planning Commission instead of the Administrative Official.

E. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Administrative Official rendered on a Final PUD Plan by written request made to the Administrative Official within twenty (20) days of the Administrative Official's decision. The appeal shall be heard by the Planning Commission.

Section 9.07.0. Application Requirements

Applications shall include a digital AutoCAD/PDF submittal and fifteen (15) copies of scaled printed plans containing the following:

PUD Application Requirements				
Type of submission	**Short Form**		**Long Form**	
	Preliminary PUD Plan	Final PUD Plan	Preliminary PUD Plan	Final PUD Plan
REQUIREMENTS				
Letter of Transmittal: Name of Development; Names, addresses, and contact information of the owner, authorized agent, and developer; Written description of the character and intent of the development.	✓	✓	✓	✓
Proposed/Final Bill of Assurance, Restrictive Covenants, or other legal instruments	✓	✓	✓	✓
Vicinity Map	✓	✓	✓	✓

PUD Application Requirements				
Type of submission	Short Form		Long Form	
	Preliminary PUD Plan	Final PUD Plan	Preliminary PUD Plan	Final PUD Plan
REQUIREMENTS				
Names, addresses, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lot across streets and right-of-ways).	✓	✓	✓	✓
North arrow, scale, date of preparation, and existing zoning classification.	✓	✓	✓	✓
Boundary Survey of the property and written legal description of the property.	✓	✓	✓	✓
Source of title to property giving deed record book page number or instrument number	✓	✓	✓	✓
Location of all existing and proposed easements.		✓		✓
Area and dimensioned length and width for each lot in the proposed development.	✓	✓	✓	✓
Proposed building footprint(s) with all proposed setbacks dimensioned.	✓	✓	✓	✓
Architectural elevation renderings for the front, side, and rear facades for all structures, excluding single-family residential. List of façade materials.	✓	✓	✓	✓
Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern.		✓		✓
Proposed permitted uses and location of permitted uses.	✓	✓	✓	✓
Proposed Density	✓	✓	✓	✓
Proposed setbacks and buffer areas shown with dimensions.	✓	✓	✓	✓
Existing structure(s) and general indication of any significant vegetation.	✓	✓	✓	✓
Existing and proposed topographic information including two-foot contour interval for areas with a slope of less than 10%, five-foot contour interval for areas with a slope of more than 10%.		✓		✓
Existing significant drainage features on the site.	✓	✓	✓	✓

PUD Application Requirements				
Type of submission	Short Form		Long Form	
	Preliminary PUD Plan	Final PUD Plan	Preliminary PUD Plan	Final PUD Plan
REQUIREMENTS				
Location of all flood hazard areas within a 100-year floodplain and/or floodway. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Corps of Engineers determination is in progress.		✓		✓
Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area.		✓		✓
Soil tests, as may be required or requested.		✓		✓
Location, size, and materials of all proposed utilities.		✓		✓
Location of parking areas, vehicle maneuvering areas, and any proposed access drives.	✓	✓	✓	✓
Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other.	✓	✓	✓	✓
Proposed sidewalks and streets.	✓	✓	✓	✓
Street names, class per Master Street Plan, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property.	✓	✓	✓	✓
Open Space Plan indicating the size and proposed use for common useable open space areas.	✓	✓	✓	✓
Landscaping Plan indicating the size, location, and proposed types of plantings on the site.	✓	✓	✓	✓
Certificate of Owner	✓	✓	✓	✓
Certificate of Surveying Accuracy	✓	✓	✓	✓
Certificate of Engineering Accuracy		✓		✓
Static pressure and flow of the nearest hydrant		✓		✓
As-built drawings		✓		✓

Section 9.08.0. Modifications

Following adoption of a Preliminary PUD Plan certain minor modifications to the Preliminary PUD Plan may be permitted upon approval of the Administrative Official. Such change shall not:

A. Change access or egress to the site.

B. Change traffic patterns, relocate streets, or create new public/private streets or drives.

C. Increase development density by more than five (5) percent.

D. Dedicate improvements for public maintenance.

E. Substantially Alter drainage patterns.

F. Decrease the amount of proposed landscaping.

G. Expand the types of allowable uses.

H. Reduce the amount of common usable open space by more than five (5) percent.

I. Alter the general nature or character of the development.

J. Remove any amenities as approved within the Preliminary PUD Plan.

Section 9.09.0. Revocation

The city council may revoke the approval of a PUD if, by vote of the city council, it is found that the owner, owner's agent, or developer are not developing the property in compliance with the provisions of this Code and other applicable laws, are not complying with the terms of PUD's approval, have not commenced construction within six (6) months of approval, have not completed construction within two (2) years of approval, are not developing the PUD according to the approved Final PUD Plan, or have not received approval for a Final PUD Plan within two (2) years of approval of a Preliminary PUD Plan.

In the event of revocation, any completed portion of the development or those portions for which building permits have been issued shall be treated as a whole and effective development. In such cases, the property within the PUD shall retain the PUD zoning district designation. If no development has occurred, the zoning shall revert back to the zoning district designation(s) which existed for the property prior to the PUD's approval.

ARTICLE X. USE STANDARDS AND SPECIAL PROVISIONS

Section 10.01.0. Accessory Buildings

Accessory buildings are subject to the following setbacks:

Setback Requirements			
Front	***Side***	***Side-Street***	***Rear***
Same as Zoning District Or Not Permitted in R and C Districts	5 ft.	Same as Zoning District	5 ft.

A. In all Residential and Commercial Districts no accessory building may be placed closer to the street edge than the front of the primary structure.

B. In all Residential Districts, or in any Zoning District in which the property is used primarily for residential purposes, a detached accessory building shall be located more than ten (10) feet from the principal building on the property, except when the accessory building has a one hour fire rating wall on the side nearest the residentially used building.

C. Accessory buildings shall be clearly incidental to the main building on the lot. Accessory buildings shall not cover more than thirty (30) percent of the rear yard area behind the main structure. Accessory buildings in excess of 800 square feet or forty (40) percent of the size of the main building shall require a Conditional Use Permit.

Section 10.02.0. Automobile Wrecking and Junk Yards

10.02.01. General

Because of the nature of their operations and the noise, dust, traffic, and health hazards they may create, salvage yard shall adhere to the subsequent regulations:

10.02.02. Standards

A. *Location:* Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.

B. *Screening:* All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') in height. Fencing must be approved by the planning commission. Storage between the street and such fence is expressly prohibited. Any fence or

wall erected for screening purposes shall be properly painted or otherwise maintained in good condition. The fence shall be installed around each junk yard at the time the use is established or within six (6) months of annexation.

C. *Ingress and Egress:* The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

Section 10.03.0 – Accessory Dwelling Units (ADUs)

The following requirements shall apply to Accessory Dwelling Units:

A. Permitted Use
An Accessory Dwelling Unit shall be permitted by right on any lot or parcel containing an existing single-family detached residence.

B. Development Standards
Accessory Dwelling Units shall comply with the following standards:

1. ***Maximum Occupancy:*** Occupancy shall be limited to one (1) family.
2. ***Number Allowed:*** One (1) ADU per lot or parcel containing an existing single-family dwelling shall be permitted.
3. ***Size Limitations:***
   The maximum size of an attached or detached ADU shall not exceed the lesser of:
   - Seventy-five percent (75%) of the gross floor area of the principal single-family dwelling; or
   - One thousand (1,000) square feet of gross floor area.
     Detached ADUs shall have a minimum size of four hundred (400) square feet.
4. ***Setbacks:***
   The ADU shall comply with all setback requirements applicable to the principal single-family residence within the zoning district in which it is located.
5. ***Public Improvements:***
   No improvements to public streets or sidewalks shall be required as a condition of ADU construction, except for the repair or reconstruction of any public street or sidewalk disturbed during construction.

C. Permitting Requirements
Accessory Dwelling Units shall require a building permit. Applications shall include all required plans, documents, and applicable fees.

1. A scale site plan shall be submitted in accordance with the Building Permit provisions of this Code.
2. All required forms and documentation shall be completed in accordance with the Building Permit provisions of this Code.
3. A non-refundable review fee shall be paid as established in the Schedule of Fees adopted by the City Council. If no such fee is established, the review fee shall be two hundred fifty dollars ($250.00).

Section 10.04.0. Child Care Centers

Requirements applying to Child Care Centers are as follows:

A. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:

1. Owners Name, address, and telephone number
2. North Arrow
3. Scale
4. Accurate Shape and dimension of the lot or site
5. Lengths of all property lines
6. Roads and rights-of-ways-labeled, both public and private
7. Parking areas, driveway location and any intersections with roads
8. Label all existing structures
9. Locations and dimension of all structures and distances of each to property lines

B. All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with a fence six (6) feet in height.

C. Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

D. Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.

E. Child Care Centers shall provide at least one off-street parking space for the loading and unloading of children.

Section 10.05.0. Home Day Cares (Small Scale Home Day Care, Medium Scale Home Day Care)

Requirements applying to Home Day Cares are as follows:

A. Home Day Cares are required to obtain a conditional use permit prior to commencing operations.

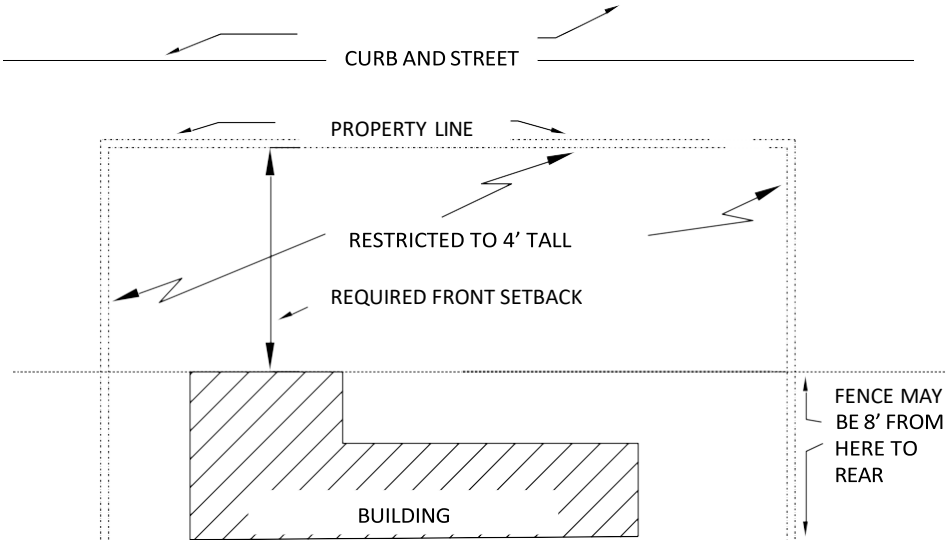
B. Home Day Care operations shall be operated by the resident of the structure.

C. Home Day Care operations shall be operated on a lot meeting city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with a fence at least six (6) feet in height.

D. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

Section 10.06.0. Fencing

Fencing shall conform to the graphic below.



Section 10.07.0. Flammable Liquids and Gases

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and be approved in writing by the Trumann Fire Marshal or Chief. Tanks for the storage of flammable liquids and gases in excess of 250 pounds shall be allowed only for Commercial and Industrial use, except where natural gas service is not provided.

Section 10.08.0. Home Occupations

An occupation may be carried on in a residential structure only if:

A. A home occupation is permitted within the zoning district where the structure is located.

B. It does not involve the use of commercial vehicles operating from the residence.

C. It does not involve the on-site purchase or delivery of goods.

D. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.

E. It does not require the use of yard space or an activity outside the main structure not normally associated with residential uses.

F. The business, occupation, or profession does not occupy more than thirty (30) percent of the gross floor area of one floor of the structure.

G. It does not involve the external display of goods and services.

H. The business, occupation, or profession shall be solely conducted by a person, or persons, residing in the structure.

I. It does not involve auto repair, appliance repair, heavy equipment repair, kenneling of animals, or veterinary surgery.

J. The following professions are examples of home occupations.

1. Custom dressmaking, tailoring, sewing, or barber/beauty shop;
2. Crafting-making that does not involve heating, refining, or similar processes;
3. Fine arts studio;
4. Professional office – excluding medical, dental, or chiropractic;
5. Teaching, tutoring, or lessons – limited to one student at a time;
6. On-line retail sales.

Section 10.09.0. Manufactured Home Parks

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

10.09.1. Permitted District Locations

Manufactured Homes Parks shall be permitted only in the Manufactured Home Residential (R-MH) zone though the conditional use permit process.

10.09.2. Development Standards

The Manufactured Home Park shall conform to the following standards:

A. A manufactured home park shall contain a minimum of five (5) acres.

B. There shall be a maximum of six (6) manufactured homes per gross acre.

C. Only one (1) manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.

D. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.

E. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

F. A manufactured home moved into the city shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner.

10.09.3 Design

A. Lot Size: Each manufactured home space shall contain a minimum of 4,500 square feet of site area. Each manufactured home space shall have a minimum width of fifty (50) feet.

B. Manufactured Home Space: Each manufactured home space shall be provided a concrete slab for anchoring the manufactured home. The slab shall be large enough to accommodate a multi-sectional manufactured home.

C. Yard Areas: A manufactured home space shall have yard setbacks of not less than ten (10) feet on all sides.

There shall be a minimum distance of twenty-five (25) feet between manufactured homes.

D. Parking and Streets: A minimum of two (2) improved off-street parking spaces shall be provided per manufactured home space, each nine (9) feet by twenty (20) feet.

All manufactured home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. The driveways will consist of two inches of asphalt over a six-inch gravel base.

E. Utilities: Each manufactured home space shall be provided with sanitary sewer and water service as required by the Codes of the City of Trumann.

Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Trumann.

A 200 amp electrical service shall be provided for each manufactured home space.

F. Screening: Adequate landscaping shall be provided, including trees and shrubs, around the perimeter of the manufactured home park. Landscaping shall be site obscuring, with a minimum of six (6) foot screening.

Additional fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.

G. Accessory Structures: The only accessory structure permitted shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

Section 10.10.0. Manufactured Homes and Dwellings in the R-MH District

NOTE: Act 446 of 2019 invalidates the application of this regulation to single-family dwellings. As such, this Section may only apply to manufactured homes.

All single-family dwellings and manufactured homes in the R-MH district except those within a manufactured home park are subject to the following standards:

A. Dwellings shall have a minimum width or length of twenty (20) ft. on any side.

B. Dwellings shall be oriented such that the front door of the structure faces the street.

C. All dwelling units that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six (6) feet by six (6) feet and oriented to the front yard.

D. Dwellings shall be constructed with a type of siding that is consistent with other homes in the general vicinity.

E. Roofs shall be sloped (4/12) and shingled.

F. Any transportation elements including axles and hitches shall be removed from the structure.

G. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission, if applicable.

H. Units shall have a solid masonry or concrete perimeter foundation around the base of the perimeter of the structure.

I. The dwelling will be the principal structure on the lot.

J. Dwellings moved into this zoning district shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner based upon the following standards:

1. All roofing material shall be secure without gaps or damaged shingles;

2. All windows shall be operative without broken panes or damaged trim or screening;

3. All exterior siding shall be in place and undamaged with no dents, tears, or burned sections;

4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment in good working order;

5. Any attached gutters shall be secure and functional;

6. All cornice materials shall be in place and undamaged;

7. Paint shall be uniform and unblemished;

8. Doors shall be plumb and fully operational;

9. Flooring shall be structurally undamaged and secure.

Section 10.11.0. Recreational Vehicle Trailers, Camping Trailers, and Commercial Vehicles

10.11.1 Parking and Storage Limitation.

Commercial vehicles and trailers of all types including travel, camping and hauling shall not be parked or stored on any lot in any residential district, except in accordance with the following provisions:

A. Not more than one (1) commercial vehicle which does not exceed one (1) ton rated capacity, per family dwelling unit on the premises, shall be permitted, but in no case shall such commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products. Or more than fourteen (14) days unless it is parked in a designated and permitted recreational vehicle travel park or as expressly approved for a construction site.

B. Not more than one (1) camping or travel trailer or recreational hauling trailer per family dwelling unit on the premises shall be permitted and said trailer shall not exceed thirty-seven feet (37') in length; and further provided that said trailer shall not be parked or stored for more than fourteen (14) days in duration unless it is located behind the front yard building line.

C. No tractor-trailer trucks, either separately or in combination, shall park within any residential district. This prohibition shall not apply to temporary parking for the purpose of loading or unloading, such as moving vans.

10.11.2 Occupancy Prohibited.

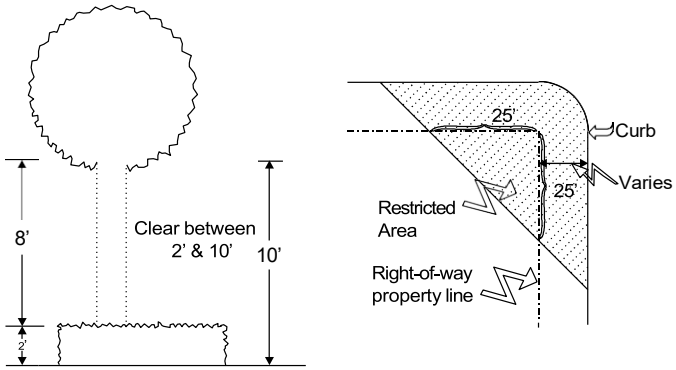
A camping or travel trailer shall not be occupied:

A. Permanently at any time while it is parked or stored in any area within the incorporated limits;

B. Or more than fourteen (14) days unless it is parked in a designated and permitted recreational vehicle travel park or as expressly approved for a construction site.

Section 10.12.0. Visibility at Intersections

On a corner lot in any district except C-1, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights-of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided below.



Section 10.13.0. Live/Work Units

The establishment of Live/Work Units shall be allowed under the conditional use provisions of Article XV in the Commercial Districts. Live/Work Units shall also be subject to the following requirements and standards:

A. Residential use of the structure and property shall be clearly secondary or accessory to the commercial use of the structure.

B. The residents of the Live/Work Unit shall be limited to one family unit which must include the owner or employee of the commercial use within the structure.

C. The commercial use of the property must be otherwise allowed in the District, but shall not include sexually oriented businesses or warehousing.

D. The commercial portion of the structure must be contained at least in part on the first floor of the structure and be accessed from the front façade of the building facing the street.

E. The front façade of the structure must be maintained to appear commercial in nature.

F. The commercial and residential portions of the building shall be physically separated, with those portions of the structure accessible to the public occupied by commercial space.

G. The residential portions of the structure must have separate kitchen and sanitary facilities.

H. All portions of the structure must the requirements of the Arkansas State Fire Prevention Code.

Section 10.14.0. Storage Containers

10.14.1 Prohibition.

Storage containers are prohibited at any location except where permitted for temporary use or when provided for sale or rent. See Section 10.15.0 regarding sales or rental of storage containers.

10.14.2 Temporary Use.

A storage container may be allowed as an accessory structure for temporary use in the following instances:

A. Construction: A storage container may be utilized for the temporary storage of building materials and tools so long as there is active construction of a residential or commercial building on the tract of property upon which the container is to be placed. A permit is required and placement is allowed for up to 3 months after the permit is issued. The storage container must be moved once the permit expires. A permit may be extended to allow placement for a longer period. The permit may be extended by the Administrative Official to allow placement for up to 9 months. Extension beyond 9 months shall require city council approval. The permit shall expire on the date listed on the permit or 30 days after the construction on the site ceases, whichever is first. The permit must be displayed on the unit at all times.

B. Commercial Inventory: A storage container may be utilized on commercial property for the temporary storage of inventory. A permit is required. The storage container shall be placed in the rear yard and screened from view of the public.

10.14.3 Permit.

A. Application: The owner of the real estate upon which the storage container is to be placed must apply for a permit. The application shall be on a form supplied by the City of Trumann and on file with the City Clerk. The application shall be completed and executed by the owner of the property returned to the City Clerk with the application fee. The application shall include the following information:

1. Name, postal address, and telephone number of the owner of the real estate.

2. Purpose for the storage container.

3. A plan indicating the proposed location of the container and its distance from buildings or proposed buildings.

4. Identification of adjoining property owners (including name, address, and telephone number).

5. Location of fire hydrants, location of utilities, and an indication of setbacks or easements.

6. A description of the container including it dimensions, style, color, and how it will be secured to the ground.

7. Location and number of parking spaces for the site, if a business.

8. Any additional information required by the Administrative Official.

B. Review: The application will be reviewed by the Administrative Official. The administrative official may take into consideration the appearance of the container, visibility from the street, potential alternative locations for the storage unit on the lot, efforts to minimize disturbance to adjoining properties, container size, safety, existence of any zoning violations, and other concerns related to health, safety, and welfare.

C. Approval/Denial: The Administrative Official shall approve, deny, or request additional information from the applicant within 72 hours of receipt of the application. If additional information is requested, the Administrative Official shall have 72 hours to approve or deny the application once the information is received.

10.14.4 Toxic or Hazardous Materials.

No storage container may be used to house any toxic or hazardous materials.

10.14.5 Maintenance and Safety.

All storage containers must be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, and must not pose any safety risk. In the event the storage container is determined to be a safety risk or present physical danger to persons or property, the storage container may be caused to be removed from the property.

Section 10.15.0. Storage Container Sales or Rental

The following govern the sites which sale or rent storage containers:

A. Storage container sales and rental sites must be approved through the conditional use permit process.

B. All storage containers must be placed within the side or rear yard of the lot and observe the building setbacks for the property.

C. No storage container shall be allowed closer to the street frontage than the front edge of the principal structure on the lot.

D. All storage containers must not be visible from any street frontage and be placed behind a wall or fencing at least eight (8) feet in height that provides visual screening.

E. No storage container can be placed within the required parking area for a business.

F. All storage containers must be locked and secured in a manner to prevent public access to the storage containers.

Section 10.16.0. Sidewalks

Sidewalk requirements shall be addressed in all building permits that involve the construction of a new primary structure. Construction standards shall be adopted by the City. Following are minimum requirements; the City may require additional sidewalks and wider sidewalks near commercial areas, schools and other places of public assembly.

A. Sidewalks shall be constructed on both sides of all streets in commercial zones, where an existing sidewalk is adjacent to the property, excluding where required by item B.

B. Sidewalks shall be required on both sides of collector streets and arterials when the new sidewalk will be constructed within 300 feet of existing sidewalks. Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when the entire area is a new development or part of a new commercial subdivision.

C. Sidewalks shall be constructed, abutting property lines, on one side of all local streets, excluding areas in the Agricultural District (A-1), where an existing sidewalk is adjacent to the property. This excludes areas within a platted subdivision where a designed sidewalk plan has been required and provided. In these areas sidewalks will be required regardless of the lack of or presence of sidewalks on adjacent property. The sidewalks will be constructed in conjunction with the building and driveway improvements on each lot.

D. Sidewalks shall be in compliance with the Americans with Disabilities Act.

E. Questions or appeals concerning the construction of sidewalks must be addressed prior to the approval of a site plan and the issuance of a building permit.

Section 10.17.0. Access Control for Driveways

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following standards for access to public streets shall apply:

A. There shall be no more than two (2) points of access to any one (1) public street for each one hundred feet (100') of frontage in any lot. Lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one public street.

B. No point of access shall be allowed within one hundred feet (100') of the right-of-way of any public street intersection for collector or arterial streets.

C. No point of access shall be allowed within one hundred feet (100') of other access in the same lot along a collector or arterial street.

Section 10.18.0. Appearance Standards for Two-Family and Multi-Family Dwellings

The following standards shall apply to all two-family, three/four-family, and apartment dwellings:

A. Such dwellings shall be clad in brick, stone, or Hardie board, excluding eaves and soffits or similar architectural detailing.

B. Roofs for such dwellings shall have a minimum pitch of 6/12.

C. Such dwellings shall have a covered front entry which is at least four (4) feet wide by six (6) feet deep.

D. Such dwellings located on corner lots shall have at least one (1) front entry on each street frontage.

E. Unless part of a multi-building development, two-family dwellings shall be required to have both front entries face a public street.

F. Multi-building developments shall have at least one building with front entries which face a public street.

ARTICLE XI. SIGNS

The purpose of this article is to:

A. Promote the creation of an attractive visual environment that promotes a healthy economy.

B. Protect and enhance the physical appearance of the community in a lawful manner.

C. Foster public safety and welfare of drivers and pedestrians along public and private streets within the community by assuring that all signs are constructed and displayed in a safe manner by avoiding unsafe and harmful visual clutter.

D. Have administrative review procedures that allow consistent enforcement, minimize discretion in review, and minimize the time required to review applications.

This article is in addition to regulations established under U.S. Code by the Federal Highway Administration and the Arkansas State Highway and Transportation Department under Regulations for Control of Outdoor Advertising on Arkansas Highways.

Section 11.01.0. Rules of Interpretation

The following rules apply to all signage:

A. When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined. All setbacks shall be measured from the property line or the projected edge of the Master Street Plan right-of-way, whichever is greater.

B. When determining maximum signage area of a sign, the total area of one side of the sign shall be used, except for signs having more than two sign faces. The total area of all sign faces shall be used for such signs.

C. When determining maximum signage area where signage is made from individual letters or figures (sometimes referred to as channel letters), the area shall be calculated by measuring a continuous boundary around the entirety of the signage elements.

D. Window signs shall count toward the maximum sign surface area allowed for wall signs.

Section 11.02.0. Permit Requirement

No sign shall be erected, transferred, rebuilt, or structurally altered within the city unless a permit has been issued by the Administrative Official. Addition or modification to the illumination of any existing sign which changes the type or intensity of the lighting shall require a new sign permit. Refacing a sign or a change in message of a permitted sign shall not require a permit unless it involves modification to the electrical or structural components of the signs. A separate permit shall be required for each sign. Electrified signs shall also require an electrical permit.

A. Applications: Application for a sign permit shall be made on forms provided by the Administrative Official. Requirements shall include but are not limited to location by street address, names and addresses of owner(s) and sign contractors (s), scale drawing of the sign, scale drawing showing exact location of the sign, and lighting and construction design.

B. Application Approval and Permit Issuance: The Administrative Official will be charged with review of all sign permit applications based upon the provisions of this code and other applicable regulations. The Administrative Official shall have 20 business days from receipt of the completed application to approve or deny the sign permit application. If the Administrative Official fails to render a decision on a completed sign permit application that appears to meet the provisions of this code and other applicable regulations within 20 business days, the applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided for denied permit applications upon request of the applicant. All decisions rendered by the Administrative Official concerning sign permit applications can be appealed to the Board of Adjustment by the applicant.

C. Sign Erection Deadline: Permit for any sign not erected within six (6) months of date of issuance shall be void.

D. Inspection: The person or contractor responsible for completion of the sign erection shall notify the Administrative Official upon completion of work. A final inspection shall be required, including electrical inspection, if needed, to confirm compliance with the terms of the sign permit.

E. Fees: Fees shall be submitted upon approval of the application, in the amount set by the schedule of fees set by the City Council. If a penalty has been assessed for non-compliance, both the penalty and the normal permit fee must be paid before a permit shall be issued.

Section 11.03.0. Permit Exemptions

The following signs are exempted from the sign permit requirements, but must comply with all other requirements of this title:

A. Temporary Signs

B. Governmental and official public signs, including wayfinding signs.

C. Window displays and signs affixed to windows.

Section 11.04.0. Prohibited Signs

The following signs are prohibited within city limits:

A. Signs imitating warning signals or which constitute a traffic hazard.

B. Billboards.

C. Abandoned signs.

D. Signs within a public right-of-way, excluding wayfinding signs.

E. Signs painted on or attached to trees, rocks, or other natural formations, *fence* posts, street signs, or utility poles.

F. Off-premise signs. (See Section 11.06.6)

G. Signs affixed or painted on a vehicle or trailer that is parked adjacent to a public right-of-way for more than 5 days.

H. Rotating signs.

I. Signs containing flashing or intermittent illumination unless part of a permitted Electronic Message Sign.

J. Roof signs.

Section 11.05.0. Exemptions

The following are exempted from the provisions of Article 11:

A. Signs not visible or which are clearly not intended to be visible from the public right-of-way.

B. Flags of any nations, government, or non-commercial organization.

C. Signs which are mandated to be displayed by law or action of a governmental entity.

D. Any display or construction not defined as a sign.

E. Art displays that do not contain a commercial message.

Section 11.06.0. Standards

11.06.01. Prevention of Access:
No sign shall be erected which prevents free ingress and egress from any driveway , parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.

11.06.02. Obstruction of Vision:
In addition to the provisions of Section 10.12.0, no sign shall be placed in manner that would allow it to obstruct the vision of drivers and pedestrians at driveway entrances.

11.06.03. Interference with Utilities:
No sign shall be located within the designated safety zone of overhead electrical conductors as directed by the utility owner, within 10 feet of a fire hydrant, or upon any easement.

11.06.04. Illumination adjacent to Residential Areas:
If facing or adjoining a residential lot line or district no freestanding sign or wall sign on a side or rear façade shall be internally illuminated unless shielded in a manner to minimize the trespass of light into the residential lot or district.

11.06.05. Construction Standards:
All signs and sign structures permitted herein shall conform to the applicable building and electrical codes adopted by the City of Trumann. All signs, except Temporary Signs, shall be constructed of materials that are durable and permanent in nature, and permanently affixed through secure anchoring to the ground or a building. Temporary signs shall be securely anchored to the ground or a building in a non-permanent fashion.

11.06.06. Content of Signs:
These regulations are not intended to regulate the message or content of non-commercial signs or temporary signs, meaning only signs with a commercial message are subject to the off-premise signage prohibition. A sign with a non-commercial message may substitute a sign with a commercial message, provided it meets all requirements of this code.

Section 11.07.0. Temporary Signs:
Temporary signs shall not be electrified or illuminated.

11.07.01. Temporary Signs – Type 1:
Temporary sign allowed while a building or property is under construction or renovation.

A. Allowable Zones: All zones

B. Maximum Size: 16 square feet in residential zones, 50 square feet in all other zones

C. Maximum Height: 10 feet

D. Minimum Setback: 10 feet

E. Number Allowed: 1 sign per lot

11.07.02. Temporary Signs – Type 2:
Temporary sign allowed while a property or building is for sale, lease, or rent.

A. Allowable Zones: All zones

B. Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones

C. Maximum Height: 10 feet

D. Minimum Setback: 10 feet

E. Number Allowed: 1 sign per lot

11.07.03. Temporary Signs – Type 3:

Temporary Signs.

A. Allowable Zones: All zones

B. Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones

C. Maximum Height: 10 feet

D. Minimum Setback: 10 feet

E. Number Allowed: 1 sign per lot

F. Time: Signs may be displayed a maximum of 30 consecutive days within a 90 day period. The 90 day period shall be counted to begin from the first day a temporary sign is displayed. The sign shall be allowed to be displayed only within the first 30 consecutive days of the 90 day period.

G. Election Period: During a period of 120 days prior to and 7 days after any public election authorized by the Poinsett County Election Commission, items E and F of this subsection shall not apply to temporary signs.

Section 11.08.0. Sign Standards by Type:

11.08.01. Electronic Message Signs:

A. Sign Type and Zoning: Electronic message signs shall only be allowed on freestanding signs.

B. Size: The maximum sign surface area of an electronic message sign shall not exceed 32 square feet. Such sign may be considered part of a larger freestanding sign and count against the maximum allowable surface area of the freestanding sign.

C. Dimming and Brightness: Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles of illumination above ambient light level.

D. Flashing Illumination and Movement: The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of flashing, chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.

E. Rate of Change: No electronic message sign shall change copy more frequently than once every eight (8) seconds.

11.08.02. Wayfinding Signs:

Wayfinding signs shall be allowed on public property or within a public right-of-way under the following conditions**:**

A. Entity: The sign shall direct the reader to the location of a public or educational institution, a facility operated by a non-profit entity that is intended to attract out-of-town patrons, a facility relating to the public safety and welfare or public health, a scenic or historic structure, or trails and parks.

B. Approval and Installation: Wayfinding signs must be expressly approved by the Administrative Official and any additional authority having jurisdiction. The signs must be fabricated, installed, and maintained by the City or its agent.

C. Traffic Hazard: The signs shall not be allowed to be installed in a location or manner that would constitute a hazard to vehicles or pedestrians.

D. Maximum Number: The maximum number of signs allowed each entity shall be 7. This limitation shall not apply to scenic or historic structures and trails or parks.

Section 11.09.0. Sign Allowed by Zoning District:

11.09.01. Downtown Commercial (C-1):

A. Wall Signs:

2. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 2 square feet for each linear foot of *building* façade or 100 square feet, whichever is less. These requirements shall apply independently to each *building* façade. Signs upon awnings shall be considered wall signs. No wall signs shall be allowed to project above the roof line of the *building* façade.

B. Projecting Signs:

1. Maximum Size: 10 square feet for signs at least 80 inches above the surface grade of the sidewalk; 40 square feet for signs at least 12 feet above the surface grade of the sidewalk.

3. Number: 1 per building façade

4. Minimum Height: 80 inches above the surface grade of the sidewalk

5. Distance from Street: All elements of the sign including any support structures must be at least 2 feet from back of the curb of the adjacent street.

C. Temporary Signs: See Section 11.07.0

11.09.02. General and Outdoor Display Commercial and Industrial (C-2, C-3, I-1):

A. Wall Signs:

1. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 15% of the total area of the wall on which the sign is placed. These requirements shall apply independently to each building façade. In the case of multi-tenant structure, each tenant space shall be considered a separate building façade.

B. Projecting Signs:

1. Maximum Size: 10 square feet

2. Number: 1 per building façade in a single tenant structure or 1 per tenant space in a multi-tenant structure

3. Minimum Height: 8 feet above the surface grade of the sidewalk

C. Freestanding Signs:

1. Maximum Sign Surface Area: The maximum size for a free-standing sign for a single tenant structure shall be 150 square feet. The sign surface are shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed.

   The maximum size for a free-standing sign for a multi-tenant structure shall be 250 square feet. The sign surface are shall not exceed one square foot for every three linear feet of public street frontage, counted from along the street where the sign will be placed.

2. Number: 1 per main building

3. Maximum Height: 35 feet above the surface grade of the street, an additional 15 feet in height is permitted if the sign is to be located within 150 feet of the right-of-way of an Interstate Highway.

4. Minimum Setback: 10 feet, 5 feet if ground-mounted and not exceeding 8 feet in height

F. Electronic Message Sign: Allowed, See Section 11.08.

G. Temporary Signs: See Section 11.07.0

H. Commercial Cul-de-sac: A commercial subdivision forming a cul-de-sac for individual commercial lots may have a freestanding sign located at the entrance to the cul-de-sac. Such sign shall not exceed 35 feet in height above street grade, and shall be located in such a manner not to restrict the view of traffic entering or exiting the subdivision.

11.09.03. Residential and Agricultural Zones (R-1, R-1S, R-2, R-3, R-MH, A-1):

A. Residential Uses:

1. General Requirements: Internal or external illumination is prohibited.

2. Wall Signs:
   a. Number: 2 on front façade
   b. Maximum Sign Surface Area: 2 square feet per sign, 4 square feet total

3. Temporary Signs: See Section 11.07.0

B. Non-Residential Uses:

1. General Requirements: Internal or external illumination is allowed.

2. Wall Signs:
   a. Number: 1 on front façade
   b. Maximum Sign Surface Area: 32 square feet

3. Freestanding Signs:
   a. Number: 1
   b. Maximum Sign Surface Area: 32 square feet.
   c. Maximum Height: 8 feet above the grade of the street or surface grade, whichever is greater. Sign shall be ground-mounted.
   d. Minimum Setback: 10 feet

4. Temporary Signs: See Section 11.07.0

Section 11.10.0. Administration and Enforcement:

11.10.02. Responsibility and Maintenance:

Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or lessor upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance. All sign(s)/sign structure and premises surrounding the same shall be maintained in a clean, sanitary condition and free and clear of all rubbish and weeds. All sign components, including supports, braces, anchors, etc., shall be kept in compliance with all building and electrical codes, and in conformance with the requirements of this Code. All components should be free from deterioration, termite infestation, rot, rust or loosening. Repair and replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign is required by this Code.

11.10.03. Removal of Signs:

The Administrative Official shall have the authority to remove any sign placed within a dedicated or prescriptive public right-of-way.

Section 11.11.0. Nonconforming Signs:

Non-conforming signs shall be brought into compliance or eliminated by attrition. A nonconforming sign shall not be relocated, replaced, expanded, or altered except to bring the sign into compliance with this Code. Non-conforming signs which have been deemed abandoned shall be removed. Non-conforming signs damaged to an extent beyond one-half (1/2) of its current replacement cost, shall not be replaced or repaired. Where a sign is non-conforming due to an encroachment of the required setback, such sign may be structurally altered or expanded without a variance. The expansion or alteration shall not reduce the amount of the sign's existing setback, and the sign must have an existing setback of at least 5 feet from the property line or master street plan right-of-way, whichever is greater.

ARTICLE XII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 12.01.0. Off-Street Parking and Requirements

12.01.01. Minimum Standards

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements:

Use	*Parking Standards*
1. Dwelling	Two (2) parking spaces for each dwelling unit.
2. Hotel or Motel	One (1) parking space for each rentable sleeping room, plus one (1) parking space per each employee on the largest shift.
3. Medical or Dental Clinics Offices and Hospitals	Four (4) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time.
4. Nursing Homes	One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time.
5. Community Center, Theater, Auditorium	One (1) parking space for each four (4) seats based on maximum seating capacity.
6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation	One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
7. Retail Shops	One (1) parking space for each two hundred (200) square feet of floor area devoted to sales.
8. Office Building	One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
9. Commercial Establishment Not Otherwise Classified	One (1) parking space for each four hundred (400) square feet of floor space in the building.
10. Industrial Establishments	Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time.
11. Church Sanctuary	One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with entities that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary and shall not require crossing an arterial road.

Use	*Parking Standards*
12. All Others	For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
13. Alternative Requirements	The Planning Commission shall have the authority to set alternative requirements for any one site or development based upon parking demand as demonstrated by the applicant.

12.01.02. Application of Standards

A. Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, of for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than 50% of the sum of the separate requirements for each use.

B. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.

C. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

D. Where parking is to be provided in the front yard of a multiple-family dwelling with more than four (4) units or a commercial building, the first ten (10) feet adjacent to the street right-of-way line shall not be used for parking but rather shall be prepared and planted with grass and minimum of one (1) shrub per twenty (20) feet of street frontage. Shrubs shall be a minimum of one (1) gallon in size.

E. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches.

F. Adequate parking spaces shall be provided to meet ADA Accessibility requirements.

Section 12.02.0. Off-Street Loading and Unloading Requirements

The following requirements shall apply to off-street loading and unloading facilities:

A. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.

B. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space, plus

one space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet of gross floor area.

C. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

Section 12.03.0. Other Requirements

12.03.01. Surface Requirements

The owner/developer shall cover all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access with asphalt or concrete, excluding the A-1 district.

12.03.02. Driveways

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in the R-3, C-2, C-3, I-1 zones.

12.03.03. Size

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

12.03.04. Buffer

All interior sides of a parking lot abutting a residential use or district shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet (5') nor more than seven feet (7'). Such fence or wall shall be maintained in good condition.

ARTICLE XIII. NONCONFORMING STRUCTURES AND USES

Section 13.01.0. Nonconformities Generally

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Section 13.02.0. Nonconforming Use of Land

A legally established land use that is prohibited by this Code and which existed prior to the adoption date of this code or the date which the property was annexed as a nonconforming use of land, may continue, under the following conditions:

A. The nonconforming use shall not be made larger or increased, increase in intensity, or occupy a greater land area than it did prior adoption date of this code, or the date which it was annexed, if after adoption date of this code.

B. The nonconforming use may not be resumed if it ceases for more than eighteen (18) consecutive months. After a use has ceased for eighteen (18) consecutive months, all future of use of the land shall conform to the requirements of this Code.

C. The nonconforming use shall remain otherwise legal.

Section 13.03.0. Nonconforming Structure

A structure that was legally permitted to be constructed prior to the adoption date of this code, or was constructed and annexed after the adoption date of this code, which would be prohibited by this Code because of restrictions on area, lot coverage, height, yard requirements, or other characteristics of the structures or its location on the lot, may continue, under the following conditions:

A. The nonconforming structure shall remain otherwise legal.

B. The nonconforming structure shall not be rebuilt or repaired if it is considered destroyed unless it will be brought into conformance with this Code. A structure shall be considered destroyed if the cost of damage to the structure exceeds more than sixty (60) percent of its replacement cost at the time of destruction.

C. The nonconforming structure may be added on to if the addition meets the area requirements of the lot's zoning district and the structure's land use is conforming. An addition of this type shall require approval of the Board of Adjustment. If the addition does not increase the structure's nonconformity in any way or affect those portions of the structure causing the nonconformity, no approval from the Board of Adjustment shall be required.

D. The nonconforming structure may be remodeled to maintain it in a safe and usable condition.

E. A nonconforming mobile home, when removed, shall not be returned or replaced by another mobile home, except that a mobile home may be replaced with a manufactured home within a nonconforming mobile or manufactured home park.

Section 13.04.0. Nonconforming Use of Structure

A use of a structure or the use of a structure and premises that was legally established prior to the adoption date of this code, or the date which it was annexed as a nonconforming use of a structure or premises, which would be prohibited by this Code, may continue, under the following conditions:

A. The nonconforming use a structure shall remain otherwise legal.

B. A structure with a nonconforming use shall not be structurally altered unless the structure's use is changed to a conforming use.

C. A nonconforming use of a structure shall be allowed to expand or increase within the structure. The structure is required to have been designed or arranged for the nonconforming use prior to the adoption date of this code, or the date it was annexed, if annexed after the adoption date of this code. The nonconforming use shall not be allowed outside of the structure.

D. A nonconforming use of a structure or structure and premises, may be changed to another nonconforming use. No structural alterations shall be permitted, and approval from the Board of Adjustment for the change of use is required. The Board of Adjustment shall not approve the change if the proposed use is of greater intensity than the existing nonconforming use.

E. A nonconforming use of structure, if changed to a conforming use, shall from then on be required to conform to the requirements of this Code. All future uses of the structure and premises shall be conforming uses.

F. A nonconforming use of a structure or structure and premises may not resume if considered abandoned. A nonconforming use of a structure or structure and premises shall be considered abandoned when it is discontinued for eighteen (18) consecutive months. All future use of the structure and premises shall conform to requirements of this Code.

ARTICLE XIV. AMENDMENTS TO ZONING CODE AND MAP

Section 14.01.0. General

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein. All amendments to the Official Zoning Map must conform to the city's adopted Future Land Use Plan. (See Section 4.04.0)

Section 14.02.0. Requests for amendments

The following may initiate a request to amend this Code:

A. A member or members of the City Council.

B. A member or members of the Planning Commission.

C. The owner of a property or his/her appointed agent.

Section 14.03.0. Amendments initiated by the City Council

Amendments by the City Council may be made in the following manner.

A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 13.04.0, below.

B. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance with approval of a majority of the entire City Council.

Section 14.04.0. Amendments initiated by the Planning Commission

Amendments initiated by the Planning Commission may be made by the following procedures.

A. The Planning Commission may consider amendments or additions to the Zoning Code.

B. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission must first consider and adopt any necessary changes to the plan.

C. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the comprehensive plan, if required.

D. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Trumann.

E. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall be not be made unless by Planning Commission decision. The Planning Commission shall make

a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least fifteen (15) days prior to the public hearing at which the changes will be considered.

F. Following the public hearing, the proposed amendments may be approved as presented, or in modified form, by a majority of the entire Planning Commission.

G. Following its adoption of the amendments of the Zoning Code or adopted plans, the commission shall certify the adopted plans or recommended zoning changes to the City Council for its adoption. Approval shall require of a majority vote of the entire City Council.

Section 14.05.0. Amendments Initiated by Property Owners

Amendments by property owners may be made in the following manner.

A. An application for amendment shall be filed at the main desk in City Hall.

B. The application for a Zoning Map Amendment shall contain the following information:

1. Name and address of applicant.

2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.

3. Address and legal description of property.

4. A map of the subject property, delineating:
   a. the dimensions of property;
   b. approximate location of buildings with appropriate dimensions;
   c. land uses of adjacent properties;
   d. a vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located;
   e. the application shall be accompanied by the prescribed fee;

C. Hearing on Application: Upon receiving the application, the Administrative Official shall set a date for a public hearing.

Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Trumann. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a sign on the property involved at least fifteen (15) days prior to the hearing. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time, and location of the public hearing at which the request will be heard. Posting of the sign by the prescribed time shall be the responsibility of the city.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

D. Finding of Fact: Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application by a majority of the entire Planning Commission. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.

E. Authorization by City Council: Any amendment will require approval by ordinance of a majority of the entire City Council.

F. Effect of Denial of Amendment: No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

ARTICLE XV. CONDITIONAL USES

Section 15.01.0. Purpose

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, such uses may or may not be desirable and appropriate in all circumstances. Each application must be individually considered to provide for conditions of approval and special restrictions. These conditions and restrictions are used to protect the adjacent area where the conditional use will be located.

Section 15.02.0. Application for Conditional Use Permit

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following documents:

A. Name and address of the applicant

B. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.

C. Address and legal description of the property.

D. A description, in writing, of the intent of the proposed use.

E. Maps of the property as follows:

1. A vicinity map to scale showing property in question clearly outlined in the center of a circle with a radius of one-quarter mile.

2. A paper copy of the plot plan or site layout of the subject property to scale and clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.

F. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees, and the anticipated cost of publication of notice.

Section 15.03.0. Hearing on Application and Notice Requirements

A. Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Conditional Use within thirty (30) days of the filing of the application.

B. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Trumann.

C. The cost of the publication of the notice shall be paid by the Applicant.

D. The city shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than fifteen (15) days prior to the hearing. Such sign shall include information on the proposed conditional use as well as the date, time, and location of the public hearing.

Section 15.04.0. Finding of Fact

Before any conditional use shall be approved by a majority vote, the Planning Commission shall make a finding of fact to support the following, where applicable:

A. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

B. The proposed Conditional Use will not harm other property in the neighborhood;

C. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;

D. The size of the site is adequate for the proposed use;

E. Traffic generated by the use will not unduly burden transportation facilities within the neighborhood;

F. Adequate buffering devices such as fencing, landscaping, or grading are sufficiently used to protect adjacent property;

G. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;

H. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;

I. The size and shape of the site; including size, shape, and arrangement of the proposed structure(s) is in accordance with this Code;

J. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

Section 15.05.0. Conditions of Conditional Use

The Planning Commission may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

A. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.

B. Any use of the not permitted by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

Section 15.06.0. Deadline for Planning Commission Decision

Within thirty (30) days after the close of a public hearing on a proposed conditional Use, the Planning Commission shall approve or deny the application.

Section 15.07.0. Denial of a Conditional Use

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

Section 15.08.0. Lapse of a Conditional Use Permit

A Conditional Use Permit granted hereunder shall lapse and become void:

A. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.

B. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

ARTICLE XVI. BOARD OF ADJUSTMENT

Section 16.01.0. Organization

A. A Board of Adjustment is hereby established to consist of the members of the Planning Commission.

B. The officers of the Planning Commission shall hold the same offices on the Board of Adjustment.

Section 16.02.0. Meetings and Hearings

The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Adjustment is a public meeting and public notice of the meeting must be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

Section 16.03.0. Powers and Duties

A. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.

B. The Board shall hear requests for Variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of circumstances unique to the individual property under consideration, and grant such Variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.

C. The Board of Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.

D. The Board of Adjustment may impose conditions in granting of a Variance to ensure compliance and to protect adjacent property.

E. The Board of Adjustment may permit changes to nonconforming uses and structures after holding a public hearing and as limited by Article XIII of this Code.

F. The Board of Adjustment may additionally permit a change in use or occupancy of a nonconforming use, provided the use is less intense in regard to its external impacts as the original nonconforming use.

Section 16.04.0. Appeals

A decision of the Board of Adjustment may be appealed within thirty (30) days of the decision to a court of record having jurisdiction in Poinsett County, Arkansas.

Section 16.05.0. Procedure for Variance Applications

A. Application for Variance: An application for a Variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee and the anticipated cost of publication and notice. The application shall contain the following information and include the following documents:

1. Name and address of applicant.

2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Variance is proposed.

3. Address or description of the property.

4. A list of the names and addresses of owners of all adjoining properties.

5. A map of the subject property, delineating:
   a. the dimensions of property;
   b. approximate location of buildings with appropriate dimensions;
   c. land uses of adjacent properties.

B. Hearing on Application

1. Upon receiving the application, the Board of Adjustment shall hold a public hearing on the proposed Variance within 30 days.

2. Notice of such hearing shall be published by the City at least one time not less than seven (7) days prior to the public hearing.

3. The cost of the publication of the notice shall be paid by the applicant.

C. Finding of Fact: For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.

2. The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.

3. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.

4. The alleged difficulty or hardship is caused by this Code and has not been created by the applicant or a previous owner of the property.

5. The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.

6. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;

7. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

No variance may be approved that would allow a use that is not permitted or that is implicitly or expressly prohibited. The existence of a nonconforming use or structure shall not be used as grounds to justify approval of a variance. The Board of Adjustment may provide conditions on the approval of a variance. Violation of these conditions shall be considered a violation of this Zoning Code.

D. Conditions of Variances: The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.

E. Deadline for Board of Adjustment Decision: Within thirty (30) days after the close of the public hearing, the Board of Zoning Adjustment shall make a written finding of fact and submit its decision to the Administrative Official.

F. Effect of Denial or a Variance: No application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.

G. Lapse of Variance: A Variance granted hereunder shall lapse and become void:

1. Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within six (6) months if not begun.

2. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

Section 16.06.0. Procedure for Appeals of Decisions by the Administrative Official

A. Appeals may be made by any person aggrieved by any decision of the Administrative Official and shall be made in writing on forms prescribed by the Board within 30 days after the decision has been rendered by the Administrative Official. The appeal will be filed in the city hall. Fee for filing appeal shall be set by ordinance of the City Council, and is to be paid at time of filing.

B. Public notice of the appeal hearing shall be advertised seven (7) days in advance in a publication of general circulation within Trumann. The public notice shall give the address and location of the property, as well as a brief description of the appeal. The public hearing shall be open to comment by anyone.

C. At the hearing for the appeal, the applicant shall demonstrate to the Board of Adjustment why he/she believes the Administrative Official was incorrect in making his/her decision based upon the facts of the case and the provisions of the zoning code. Input from the public shall be allowed. The Board of Adjustment may uphold, partially uphold, or reverse the decision of the Administrative Official. The Board of Adjustment shall consider all the facts presented in determining whether the Administrative Official was correct in carrying out the provisions of the zoning code.

ARTICLE XVII. DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory, the word may is permissive. The word “person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined as follows:

Abutting:	Having property of district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.
Access:	The way or means by which a piece of property is approached or entered.
Accessory Buildings And Uses:	An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulation) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When “accessory” is used in the text, it shall have the same meaning as accessory use.
Accessory Dwelling Unit:	A smaller, secondary site-built dwelling unit on the same lot as an existing single-family dwelling. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit.
Addition:	Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
Administrative Official:	The person or person designated by the Mayor to administer the Zoning Code.
Adult Day Care:	A profit or non-profit establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than 24 hours a day and which received payment, fee, or grant for the adults attending the facility.

Agriculture:	The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
Alley:	A permanent public service way, which affords only a secondary means of access to abutting property.
Apartment:	See “Dwelling, Apartment”.
Authorized Agent:	A person or persons authorized by the landowner to act in his behalf.
Automobile Wrecking or Junk Yard:	An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.
Billboard:	An off-premise sign with an area larger than 250 square feet for use in outdoor advertising.
Buffer:	A strip of land lying parallel to adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use.
Buildable Area:	The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.
Building:	Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a construction that is safe and stable; the word building shall include the word structure.
Building, Attached:	A building that shares a continuous wall, roof, floor, or other structural element with another adjacent building.
Building, Detached:	A building having no wall, roof, floor or other structural element in common with another building.
Building, Coverage:	The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

Building, Façade:	The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.
Building, Height:	The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
Building, Line:	A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.
Building, Nonconforming:	An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in these regulations applicable to the district in which this building is located.
Building, Principal:	A building in which is conducted the main or principal use of the lot on which said building is situated.
Certificate of Occupancy:	Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
City:	The City of Trumann, Arkansas.
Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.
Clinic, Dental/Medical:	A facility for the examination and treatment of ill and afflicted human out patients; provided however, that patients are not kept overnight except under emergency conditions.
Commercial Vehicle:	Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.
Commission:	The Trumann Planning Commission.

Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article III of these regulations.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.
CUP:	Conditional Use Permit
Day Care, Medium Scale Home:	A situation, arrangement or agreement by which one or more persons care for six (6) to sixteen (16) children from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.
Day Care, Small Scale Home:	A situation in which the resident of a home cares for five (5) children or less.
District Zoning:	Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height and coverage of buildings and other structures are uniform.
Drive In, Commercial Use:	Any retail commercial use providing considerable off street parking and catering primarily to vehicular trade such as drive in restaurants, drive in theaters, and similar uses.
Dwelling:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers. The "living quarters" must contain spaces for bathing, sleeping and meal preparation and eating.
Dwelling, Apartment:	A dwelling on a single lot designed to be occupied by more than four families, living independently of each other. Or, more than one dwelling structure on a single lot designed to be occupied by two or more families living independently of each other family.
Dwelling, Single-Family:	A dwelling on a single lot designed to be occupied by one family.
Dwelling, Two-Family:	A dwelling on a single lot designed to be occupied by two families living independently of each other.
Dwelling, Three/Four-Family:	A dwelling on a single lot designed for occupancy by three or four families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
Dwelling, Townhouse/Row House:	Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Easement:	A right of way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage given by the owner of land to another party.
Family:	One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single unit. A family may include domestic servants employed by said family.
Federal Standards (Manu. Homes):	The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.
Fence:	A man made barrier constructed to provide privacy or visual separation between one ownership and another.
Floor Area:	The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.
Garage, Private:	An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.
Garage, Public or Repair:	A building in which are provided facilities for the dare, servicing, repair, or equipping of automobiles.
Gasoline or Service Stations:	Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.
Half-way House:	A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State of Arkansas.
Home Occupation:	Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
Hospital:	An institution providing health services primarily for human in patient or medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training

	facilities, central service facilities and staff offices which are an integral part of the facilities.
Hotel:	A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
Illumination, External:	Sign illumination which is generated from outside the sign's internal structure.
Illumination, Internal:	Sign illumination which is generated from inside the sign's internal structure.
Kennel:	Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.
Landscaping:	A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.
Live/Work Unit:	A building used jointly for commercial and residential purposes where the residential use of the building is secondary or accessory to the primary use as a place of work.
Loading Space (Off Street):	Any unobstructed, hard-surface area no part of which is located in any street or public right of way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.
Lot:	A parcel of land, legally defined in a recorded deed or recorded plat, fronting on a public dedicated right of way or other approved private drive. Said lot shall establish one building site.
Lot Area:	The total horizontal area included within the lot.
Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front line and the rear lot line, or the distance between the midpoint of the rear lot line.
Lot, Double Frontage:	A lot having frontage on two non-intersecting streets.

Lot, Interior:	A lot other than a corner lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right of way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.
Lot Line, Rear:	That property boundary line which is generally parallel to and most distant from the front line of the lot.
Lot Line, Side:	A lot line other than a front or rear lot line.
Lot Line:	The property boundary lines.
Lot of Record:	A parcel of land that is a lot in a subdivision recorded on the records of the Poinsett County Recorder's Office, or that is described by a metes and bounds description.
Lot Width:	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.
Manufactured Home:	A detached single family dwelling unit fabricated on or after June 15, 1976, in an off of site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.
Mobile Home:	A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and is designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
Modular Home:	A standardized unit other than a Manufactured Home, as defined above, which is manufactured off-site, assembled at the building site, and which meets the state building codes. In this code modular homes shall be considered the same as site-built homes which meet the state building codes.

Motel:	A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.
Nonconforming Building/Structure:	Any building or structure lawfully existing on the effective date of these regulations, as amended, which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Article XII.)
Nonconforming Use:	Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Article XII.)
Nursing Home:	Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.
Open Space:	Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
Parking Lot:	An off street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.
Parking Space:	An off street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' X 20'.
Permitted Use:	Those uses specifically listed in these regulations as allowed without any further review by the planning commission or city council.
Plan:	A fully dimensioned drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.
Place of Worship:	An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Plat:	An engineering drawing which provides for all data related to a development of land and certified as to accuracy to a land surveyor or engineer.
Principal Use:	The use which fulfills the primary function of an establishment, institution, household, or other entity.
Public Assembly:	A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.
Public Utility:	Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.
Reclassification:	An amendment to or a change reflecting a modification of the zoning district boundary map.
Recreational Vehicle (RV):	Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.
Residence:	A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include: (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.
Right of Way, Public:	An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.
School:	A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.
Screening:	See Buffer.
Setback:	Distance between the lot line and the building line.

Sign:	A sign is a structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.
Sign, Abandoned:	A sign relating to or identifying an entity which has ceased operations or existence on the premises for at least six (6) months.
Sign, Awning:	A sign which is a part of a fabric or other non-structural awning. Such signs are considered Wall Signs.
Sign, Electronic Message:	A sign which uses artificial light to display changing electronically programmed messages.
Sign, Governmental or Public:	A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian, bike, or vehicular traffic.
Sign, Ground-Mounted:	A freestanding sign that is supported by a solid base (other than poles) such that the bottom of the sign face is three (3) feet or less above grade, and no air space is visible within or between any portion of the sign display area and the signs supporting structure.
Sign, Height:	The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.
Sign, Illuminated:	A sign designed to give forth any artificial light or reflect light from an artificial source.
Sign, Nonconforming:	Any sign which is not permitted under the terms of this ordinance, within the district in which it is located.
Sign, Off-premise:	A sign, whether leased or owned by the advertising entity, which directs attention to an entity, activity, business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permanent:	Signs anchored to the ground or building in a secure, permanent fashion as stipulated in applicable codes as adopted by the City of Trumann.
Sign, Projecting:	A sign which projects from and is supported by a wall of a building.
Sign, Surface Area:	The total surface area of a sign as determined in this Code.
Sign, Temporary:	Any sign which is intended for temporary use and which is not permanently mounted to the ground or a building.
Sign, Wall:	Any sign, other than a projecting sign or a temporary sign, which is permanently attached to or painted on any façade of any building.
Storage Container:	Any portable, weather resistant receptacle, storage unit, shed-like container, box car, mobile trailer, steel shipping container, or portable on-demand storage structure ("PODs"), designed and used for the storage or shipment of goods, wares, building materials and other merchandise, used at construction sites or used to transport goods by rail, highway, or sea. This does not include pre-manufactured storage buildings, mobile homes, or manufactured homes.
Story:	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.
Street:	Any public or private thoroughfare, which affords the principal means of access to abutting property.
Structure:	Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
Structural Alterations:	Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Toxic or Hazardous Materials:	Any substance, solution, or mixture which because of its quality, quantity, concentration, physical, chemical, or infectious characteristics, or any combination of the foregoing presents or may present an actual or potential hazard to human health or the drinking water supply, if such substance, solution, mixture, or combination thereof, is discharged to the land or waters of the City of Trumann.
Use:	A purpose to which land is committed.

Variance:	An exception from the strict application of the provisions of these regulations.
Yard, Front:	The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the roof overhang of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.
Yard, Rear:	The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building. The building shall be measured from the roof overhang.
Yard, Side:	The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.
Yard, Exterior/Side-Street:	Any yard which is adjacent to or parallel to a public or private right of way.
Yard, Interior:	Any yard which does not run adjacent to or parallel with a public or private right of way.
Zoning District:	A section of the city designated in the text in which requirements for the use of land and building and development standards are prescribed.
Zoning District Boundary:	That boundary which separates unlike zoning districts.